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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,839	11/03/2000	Hiroshi Aoki	086142/0431	4309

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FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

DICKENS, CHARLENE

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/704,839

Applicant(s)

ADEI

Examiner

DICKENS

Group Art Unit

2855

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 2/12/03
- ☐ This action is FINAL
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 3, 5-11 & 14-17 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 3, 5-11 & 14-17 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 11/03/00 is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, seat mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor a seat rail that is pivotally connected to the vehicle body, and a second seat rail pivotally connected to the vehicle body must be shown or the feature(s) canceled from the claim(s). Specifically, the drawings do not illustrate nor support any type of pivotal movement. No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The amendment filed 3/7/02 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Since the bracket 21 is pivotally connected to the block 24, *it acts as a fulcrum so that the rear end of the seat....As known by...any pivotable or moveable connection may act as a fulcrum.* Applicant

is required to cancel the new matter in the reply to this Office Action.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3, 5-11, & 14-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The *original* disclosure does not describe the seat mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor. The claimed language of a part of the load applied to the seat that is not measured by any load sensor is not described in the original disclosure. This language appears to be new matter.

5. Claims 1, 3, 5-11, & 14-17 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a seat measuring apparatus, applied to a seat that is mounted to a vehicle body, comprising at least one load sensor, wherein

the seat is mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat, does not reasonably provide enablement for the seat mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor. The *original* specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The disclosure does not explain how the load sensor does not measure all of the load applied to the seat. Specifically, the disclosure does not explain how block 24 pivots in relation to mounting brackets. The brackets, disclosed, are *bolted* to the vehicle body thus prohibiting any type of pivotal movement(s). Thus, the *original* disclosure does not reasonably provide enablement for the seat mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 3, 5-11, & 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear if "any load sensor" is intending to refer to "at least one load sensor" (claims 1, 3, 7). If the two recitations are one in the same, it is not clear if more than one sensor is claimed. Also, in the aforementioned claims, it is not clear if the sensor is measuring any load because the claims recite a load applied to the seat is not measured by any load sensor. In claim 3, "at least one load sensor, installed at one of left and right sides of a seat frame" is not understood. If there is only one sensor, then the sensor can not be installed at one of left and right sides of a seat frame. In claims 14 and 15 it is not clear how the seat rail is pivotally connected to the vehicle body.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371c of this title before the invention thereof by the applicant for patent.

9. Claims 1, 3, 5-11, & 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki, US Patent 6,069,325 ('325). As best understood, '325 teaches a seat weight measuring apparatus 5 (Figs. 7, 8), applied to a seat 3, having four sides, that is mounted to a vehicle body (col. 3, lines 60, 68), for measuring the weight of a passenger sitting on the seat (col. 1, lines 5-9), comprising: at least one load sensor (85, 95), installed at a location at which the seat is mounted to a vehicle body, for measuring a part of a load applied to the seat; wherein the seat is mounted to the vehicle body by a mounting structure 16 that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor (col. 4, lines 41-46, col. 9, lines 36-39); and a restraining mechanism (col. 5, lines 1-4, col. 9, line 40);

Claims 5, 6, 10: '325 teaches seat weight measuring apparatus comprises exactly one load sensor (85, 95);

Claims 8, 9, 11: '325 teaches seat weight measuring apparatus wherein one of the sides is one of a front side and a back side and said opposing one of said sides is the other of the front side and the back side (Figs. 1-5);

Claims 14, 15: '325 teaches seat weight measuring apparatus wherein a seat rail 11 is pivotally connected to the vehicle body;

Claims 16: '325 teaches seat weight measuring apparatus wherein the seat 3 is positioned in seat rails 11 that permits movement of the seat relative to the seat rails;


Claim 17: '325 teaches seat weight measuring apparatus wherein the seat 3 is resiliently connected to the seat rails (Figs. 7, 8).

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens or the supervisor, Edward Lefkowitz, whose telephone numbers are (703) 305-7047 or 305-4816, respectively. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.



cd/dickens  
May 5, 2003



EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800